

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MONTY C PEPPER
plaintiff

V

THOMAS CARROLL

BAMBI THOMAS

THOMAS SEACORD

JAMES GARDELS

C.A.NO. 05-084-JJF

CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE

FEB 17 11 47 AM

FILED

 PLAINTIFFS RESPONSE TO AND MEMORANDUM IN RESPONSE TO
 DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGEMENT

Plaintiff Request The Honorable Court deny
 The Defendants motion To Dismiss / summary judgement
 where The Facts within The following memorandum
 will show That Plaintiff was in fact denied access
 To counsel and suffered mental as well as physical
 damage at The hands of The Defendants and as
 The added amendment shows That Deliberate Indifference
 standard has been crossed by The continued absence
 of Remedy To Plaintiffs Health and Mental needs

As in Hicks v Frey 992 F2d 1450 6th Cir 1993 states Extreme
 conduct by custodians That cause severe emotional distress is
 sufficient and in Scher v Engelke 943 F3d 921 8th Cir 1981 evidence
 of fear mental anguish and misery can establish The requisite
 injury for Eight Amendment Claim 112 S Ct 1516 (1992)

as well as Helling v McKenny . unsafe conditions That pose
 an unreasonable risk of serious damage To a prisoners future
 health may violate The 8 amendment even if The damage has not
 yet occurred and may not affect every prisoner exposed To

The Conditions deliberate Indifference a standard of recklessness which permits defendants to be held liable based on what they "should" have known or what was obvious if prison officials know that conditions are objectively cruel and fail to remedy them they are deliberate Indifference The Defendants were aware

I request The Court To deny Defendants Motion and or stay so Plaintiff can gather and catalogue The 100+ documents grievance copys sick call copys as well as responses To Affidavits and Prothonotary Defendant is still limited To Time in Law Library



Monty Pepper